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UNCLAS GABORONE 000153

SENSITIVE
SIPDIS

DEPT FOR IO/MPR BRIAN HACKETT AND L/UNA DARIN JOHNSON
USUN/MR FOR BRUCE RASHKOW

E.O. 12958: N/A
TAGS: [PREL](#) [AORC](#) [KUNR](#) [UNGA](#) [BC](#)
SUBJECT: BOTSWANA: RESPONSE ON CANDIDATE FOR UN JUDICIAL
POSITION

REF: STATE 16118

11. (SBU) In response to the action request contained in State 16118, post contacted Botswana's Attorney General, Dr. Athaliah Molokomme, for her personal views on the suitability of Botswana candidate Justice Ebrahim-Carstens to serve in the referenced judicial position at the United Nations. Attorney General Molokomme has known Justice Ebrahim-Carstens for over 20 years - while she was in private practice, while she was a judge on Botswana's Industrial Court and now as she serves on the Francistown High Court (the second highest court in the country). The Attorney General has a high regard for Justice Ebrahim-Carstens, and is impressed by her "serious work ethic, dedication to duty and excellent writing skills." She has no knowledge, nor detected, any impropriety since knowing Justice Ebrahim-Carstens. Additionally, she is not aware of any information that would disqualify Justice Ebrahim-Carstens from being considered for this position.

12. (SBU) The Attorney General stated that Justice Ebrahim-Carstens' private law practice was one of the most respected in Botswana. According to the Attorney General, the practice was always in compliance with Botswana's Legal Practitioners Act and "could always be relied upon to make contributions to the development of the profession when the need arose." During her time in the Industrial Court, Justice Ebrahim-Carstens presided over a number of landmark labor law cases. (NOTE: In Botswana labor and employment disputes are heard at the Ministry of Labor. Any cases that proceed into the court system are heard by the Industrial Court, which has exclusive jurisdiction in these types of cases. END NOTE.) According to Molokomme, Justice Ebrahim-Carstens is considered to generally follow the law as written, but will also use her interpretation of the law when required. Attorney General Molokomme stated that as the Industrial Court is a court of equity, Justice Ebrahim-Carstens has experience "in taking a more expansive view on the law by incorporating non-statutory norms." The Industrial Court and the Francistown High Court are considered National Courts.

13. (U) Post has not yet received input on how the MFA will vote regarding candidates for the UN judicial positions. If post receives additional information we will report it SEPTTEL.
NOLAN